

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Case No. 15-10390-PBS
)	
v.)	
)	
JAYME GORDON)	
)	
Defendant)	

JOINT MOTION TO CONTINUE TRIAL DATE

The parties jointly file this motion, asking the Court to continue the trial date, currently scheduled for September 12 or 19, 2016, to a date in mid-November 2016 or beyond.

On June 13, 2016, Gordon filed an Assented-To Motion to Continue Trial Date, on the ground that his counsel is scheduled to begin trial September 13, 2016 in Norfolk Superior Court in *Commonwealth v. Fletcher* (1282cr00092), a murder case that was indicted January 26, 2012. In that motion, Gordon noted that the case before this Court was indicted in December 2015, so any trial date in November or December would be within a year of the indictment, which is well below the statistical average in this district. The Court denied that motion without prejudice, noting “If the murder trial goes as scheduled, the court will continue the case to November.” Dkt. 37.

The parties file this motion because the murder trial is still scheduled to proceed on September 13 and counsel for Gordon continues to anticipate that it will proceed as scheduled on that date. Furthermore, even if the state trial were to be unexpectedly continued at the last minute, defense counsel will not be prepared to try this case as scheduled, because he needs to spend his time in the next two months preparing for the murder trial and will not be able to prepare for this trial.

The government would be able to try this case on September 12 or 19 as scheduled. The government joins in this motion, however, because the prosecutors, and, more importantly, their witnesses, would greatly benefit from a firm and realistic trial date and do not believe that September is realistic in light of defense counsel's conflict. The September dates are now approximately two months out. Currently, the government's 7-10 trial witnesses are all reserving time in September for this trial. But as that time approaches, setting aside that time becomes a hardship, particularly in light of the fact that a September trial appears unrealistic. Furthermore, the prosecutors and agents are beginning to prepare for trial in earnest at this point. But doing so over the summer and during previously-scheduled family vacations is also a hardship – for instance, vacations may need to be cancelled if the trial date remains as it is. This would be particularly unfortunate given that it seems very unlikely that the trial will actually proceed in September. The witnesses, prosecutors, and agents, would therefore greatly benefit from a rescheduled, firm trial date in November, December, or January.

Having refined their plans for the trial, counsel are now confident that it could be concluded in two weeks, even with the usual 9:00-1:00 trial days. Because he will not begin to seriously prepare for trial in this case until after his murder trial concludes, in late September, defense counsel asks the Court not to reschedule this trial before mid-November. But both parties would be available to try this case beginning on any of the following dates:

November 14

November 21

November 28

December 5

January 17

If none of those dates work for the Court, the parties will quickly find other, mutually-agreeable dates in 2017.

For all of these reasons, the parties jointly ask the Court to continue the trial date.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Adam Bookbinder

Dated: July 11, 2016